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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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ARVA ANDERSON,

Plaintiff,

v.

FORD MOTOR COMPANY., et al,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANTS'  
MOTIONS IN LIMINE TO PRECLUDE  
COMMENTS ON THE PRESENCE OR  
ABSENCE OF A CORPORATE  
REPRESENTATIVE

Case No. 2:06-CV-741 TS

District Judge Ted Stewart

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This matter is before the Court on Defendant Sepco Corporation's Motion in Limine to Preclude Comments Upon the Presence or Absence of Corporate Representative (Docket No. 409) and Defendant Flowserve Corporation's (f/k/a Durco International, Inc.) Motion in Limine to Preclude Comments Upon the Presence or Absence of Corporate Representative (Docket No. 443). For the reasons set forth below, the Court will grant Defendants' Motions.

Federal Rule of Evidence 401 defines relevant evidence as evidence that "has any tendency to make a fact more or less probable than it would be without the evidence; and . . . the fact is of consequence in determining the action." Federal Rules of Evidence 402 and 403 limit admissible evidence to relevant evidence that has probative value not substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, causing undue delay, wasting time, or needlessly presenting cumulative evidence.

The presence or absence of a corporate representative has little probative value, if any, to any fact of consequence in determining the action. Commenting on the absence of a corporate

representative could be highly prejudicial and confuse or mislead the jury. Therefore, the Court will not allow either party to comment on the presence or absence of corporate representatives unless the commenting party can demonstrate the relevance and admissibility of such comments under Rules 401, 402, and 403.

It is therefore

ORDERED that Defendants' Motions in Limine to Preclude Comments Upon the Presence or Absence of Corporate Representative (Docket Nos. 409 and 443) are GRANTED as set forth above.

DATED this 11th day of September, 2014.

BY THE COURT:

  
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Ted Stewart  
United States District Judge